



BOARD OF BARBERING AND COSMETOLOGY  
CALIFORNIA DEPARTMENT OF CONSUMER AFFAIRS  
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## MEETING OF THE BARBERING AND COSMETOLOGY BOARD

**Board of Barbering and Cosmetology  
Courtyard by Marriott  
15433 Ventura Blvd  
Sherman Oaks, CA 91403**

**An additional meeting location was established at:  
Hale Kahakai  
2405 Kalanianaʻole Ave., PH Unit 11  
Hilo, Hawaii 96720**

### MINUTES OF FEBRUARY 28, 2005

**BOARD MEMBERS PRESENT:**

*Dr. Della Condon, President  
Joseph Gonzalez, Vice President  
Richard Hedges  
Waddell Herron, Ph.D.  
Frank Lloyd  
Candice Pederson*

**STAFF MEMBERS PRESENT:**

*Terresa A. Ciau, Executive Officer  
Albert Balingit, Staff Counsel  
Karen MacKenzie, Licensing Manager  
Kristy Underwood, Administrative Analyst  
Kelly Schmidt, Staff*

**BOARD MEMBERS ABSENT:**

*Bonnie LaChappa  
Angela Reddock*

- **Agenda Item #1, CALL TO ORDER/ROLL CALL**

Dr. Condon called the meeting to order at 9:00 a.m. Pacific Standard Time. Members introduced themselves and briefly described their backgrounds. It was acknowledge that Mr. Hedges was teleconferencing from the Hilo, Hawaii location, so all motions to approve would be done by roll call.

- **Agenda Item #2, PRESIDENT'S REPORT**

Dr. Condon stated that the Board's future looks good since the governor withdrew his proposal to abolish all Boards.

Dr. Condon indicated that there appears to be a lack of confidence in the manicuring industry as a result of the footspa concerns. Board staff sent out flyers on pedicure spa disinfection and sanitation to all licensed establishments in multiple languages. She recommended that staff hold a series of public meetings throughout California to talk to people about salons.

- **Agenda Item #3, EXECUTIVE OFFICER'S REPORT ON WORKLOAD STATISTICS**

Ms. Ciau reported that there is currently a backlog in the cashiering department. All Board staff has been redirected to assist. An alert was placed on the Board's website indicating the three to four month backlog.

Ms. Ciau also reported that the Board's budget was very tight through the end of the fiscal year, however, the Attorney General and the permanent intermittent staff to fulltime Budget Change Proposals were approved. The Board would also be paid back \$5.5 million from the G.F. loan.

The Board was recently notified that the Sunset Review Report is due September 1, 2005. She asked for two Board members to volunteer to assist with the preparation of the report. Dr. Condon, Mr. Hedges and Ms. Pederson all offered their assistance.

- **Agenda Item #4, APPROVAL OF BOARD MEETING MINUTES OF NOVEMBER 15, 2004**

There was a motion to approve the November 15, 2004 Board meeting minutes. All members voted to approve by roll call with the exception of Ms. Pederson since she did not attend the meeting.

- **Agenda Item #5, PARLIAMENTARY PROCEDURE**

The members discussed the election of officers. It was voted and approved by roll call that the President and Vice-President would hold terms of two years. Therefore, September 2005 there would be an election of officers held.

- **Agenda Item #6, GOVERNOR'S PROPOSAL ON THE REORGANIZATION OF BOARDS**

It was determined that this item no longer needed to be discussed since the proposal was not being pursued by the governor.

- **Agenda Item #7, REPORT OF THE LICENSING AND EXAMINATION COMMITTEE**

**A) REPORTS TO THE JOINT COMMITTEE ON BOARDS, COMMISSIONS, AND CONSUMER PROTECTION**

**1) Draft Report to the Legislature on Fingerprints**

There was discussion among the members about the criminal background check process that is currently being done and how that compares to using the fingerprint cards. There would be a start up cost for the Board to implement the new process, however, it appeared to be more efficient and accurate than the current process. Concerns were brought forth about determining what crimes would be substantially related to the industry thus resulting in the denial of licensure. Ms. Ciau reported that the Board's Enforcement Division would be working on guidelines for this.

Dr. Condon opened the item for public comment.

Ms. Coles commented that some students are currently sending their court documents to the Board, however, they are still being held up due to the Board having to request them directly from

the court. Ms. Ciau indicated that the reason this may be happening is if the documents submitted were not certified by the court then the Board would need to request them.

Ms. Carlson commented that the current process of the examination application having to go through the Enforcement Division can be lengthy.

Mr. Carter recalled that in years past students could have their background check done when they enrolled in school. They would then know if they would be able to pursue licensure upon completion.

Mr. Balingit indicated that the Board does not have statutory authority to conduct a criminal background check prior to the student submitting an application to the Board.

A motion was made to approve the draft report. The motion was approved by roll call and all Board members present voted in favor.

## **2) Draft Report to the Legislature on Aggregate Scoring**

Dr. Condon indicated that the Licensing and Examination Committee recommends to the Board that this be carried forward. The item was opened for discussion among the members and then to the public for comments. No comments were made.

A motion was made to approve the draft report. All Board members present voted in favor by roll call.

## **3) Draft Report to the Legislature on Same-Day Licensing Costs/Benefits**

Dr. Condon indicated that the Licensing and Examination Committee recommends this report be approved, however, some of the language should be adjusted relating to the expenditures.

Dr. Herron stated that the Board expenditure gap is being brought to their attention by the report and this should be an issue that is addressed. Dr. Condon suggested that the expenditure issue be placed on a future meeting agenda.

Mr. Hedges made a motion to approve the report with the change to the language. The motion was approved by roll call and all Board members present were in favor.

## **B) Proposed Regulation on Apprentice Pre-application Draft Language Pursuant to AB 2743**

Dr. Condon explained this was brought before the Licensing and Examination Committee. They are recommending the Board approve the draft language.

The item was opened for public comment.

Mr. Tyler thanked the Board for working on this.

Mr. Carter commented that this would make a level playing field for apprentices.

A motion was made to approve the draft language. All members voted unanimously in favor by roll call.

### **C) Approval of Validation Report of the Cosmetology Occupational Analysis**

Dr. Condon explained this was a survey that was sent to cosmetologists statewide. It presents a clear picture of what is going on in California. She indicated that during the Licensing and Examination Committee meeting there was a concern about the manicuring having a weight of 24%. An explanation for this result will be requested.

A motion was made to approve the validation report. All members present voted in favor by roll call.

- **Agenda Item #8, PROPOSED LANGUAGE FOR INSTRUCTOR QUALIFICATIONS**

Dr. Condon indicated that the Licensing and Examination Committee discussed and recommended that Board staff draft language. She also requested that the draft be posted on the Board's website prior to the next meeting with a statement *Pending Board Approval*.

- **Agenda Item #9, NEWSLETTER TIMELINE**

Dr. Herron indicated the newsletter would be done on a quarterly basis. He also commented that he would like to include a Disciplinary Review Committee article with the assistance of Mr. Hedges and Mr. Gonzalez. Both members agreed to assist.

- **Agenda Item #10, LEGISLATION AND REGULATIONS**

#### **A) AB163**

There was discussion among the members regarding this threading bill. It revises the definition of threading and extends the date of when the provision would become inoperative to December 13, 2010. Members were concerned about some of the language in the bill that includes trimming of eyebrow hair. Trimming of eyebrow hair should not be unregulated.

The item was opened for public comment.

Mr. Pascoe expressed concern about the health and safety of clients if the practice of trimming eyebrow hair becomes unregulated.

A motion was made to support the bill if amended. All members present voted in favor by roll call.

It was briefly noted that new legislation, AB1263, had been recently introduced. The bill is in regards to the cleaning of whirlpool footspas.

Steve Rhodes from Strategic Education Services and Mike Luong from Amerispa commented. They indicated that they will be conducting educational classes throughout California to educate those who use whirlpool footspas.

Dr. Condon expressed her appreciation for the pro-active approach. Board members requested that a whirlpool footspa demonstration be conducted at the next Board meeting, so that everyone can see the mechanics of the machines and also see problematic areas.

Ms. Carlson commented that the Board allowing a manufacturer to demonstrate their product may be a conflict of interest. She was also concerned as to why the bill was introduced since the Board's current disinfection regulations are already comprehensive.

Mr. Balingit indicated there would be no legal violations if the demonstration takes place. He suggested the Board provide a disclaimer prior to the demonstration.

- **Agenda Item # 11, BOARD MEETING DATES**

Dr. Condon noted that if anything important came up that the Board would call for an emergency meeting.

Dr. Condon then recommended that the Board conduct the regulation hearings at this point and go into the closed session after public comments.

- **Agenda Item #14, REGULATION HEARINGS**

**A) Regulation Hearing on Proposed Adoption of Section 911 to Title 16, Division 9 of the California Code of Regulations Relating to Licensure by Endorsement.**

Mr. Tyler indicated that SB362 mandated the Board to provide for out of state licensure. He had several issues with the proposed adoption language. These issues were identified as there is an extra barrier which was against the original intent of the mandate, the work experience requirements, and requesting the admission of school transcripts.

Ms. Mozolyuk commented that she is from Philadelphia and other states do not require those licensed from another state to take their exam. She suggests the Board remove both the practical and written.

Mr. Carter thanked the Board.

Ms. Carlson expressed her opposition to the process of licensure by endorsement. She feels California students should be able to obtain jobs first. She submitted a signed petition against the regulation signed by numerous individuals.

The Board members then discussed the issues brought forth.

Mr. Gonzalez had a concern about applicants from other states or countries only having identification and not having social security numbers. They should not be allowed to exam when there are thousands of Californians waiting. In addition, he indicated that chemicals used in other states may be different than California.

Dr. Condon suggested having item number four dropped that requires school transcripts.

Mr. Hedges suggested that a signed declaration could be submitted if the student was having difficulty obtaining transcripts.

Mr. Lloyd indicated that if the applicant is licensed that the Board could probably assume the applicant completed school.

Ms. Ciau suggested possibly obtaining proof from the state board where the applicant is licensed.

Dr. Condon then suggested that they keep item number four, but include a statement that if the applicant is unable to obtain school transcripts that a declaration may be accepted in lieu of them.

A motion was made to accept Dr. Condon's suggestion to include the statement. Members voted by roll call. Mr. Hedges, Ms. Pederson, Dr. Condon, Mr. Gonzalez and Dr. Herron agreed with the motion. Mr. Lloyd voted against the motion.

**B) Regulation Hearing on Proposed Amendment to Section 932 of Title 16, Division 9 of the California Code of Regulations Relating to Passing Grades in Examination**

Mr. Tyler commented that this would apply to all license types. Many have had to wait to re-exam and may have been able to benefit from aggregate scoring.

Ms. Carlson agreed with Mr. Tyler.

Ms. Ward would like to continue with the written exam scoring as is and take the higher road.

Mr. Balingit indicated that the language does not address all license types, but that it addresses barbering, cosmetology, and electrology.

A motion to approve the regulatory language was made. All members voted in favor by roll call.

- **Agenda Item #15, PUBLIC COMMENTS**

Ms. Lee from Skyline Community College asked for a timeline for the instructor's license. Dr. Condon indicated that it would be discussed at the next Board meeting.

Ms. Light indicated that manicurists are required to complete 400 schooling hours, however, the Business and Professions Code section 3365 lists the requirement as 350 hours. Mr. Balingit indicated that the section Ms. Light referred to was repealed.

Ms. Wilson had a concern about students not receiving their exam results at the testing site. Ms. Ciau explained that schools should be faxing in a list of graduating students on a weekly basis to the Board to ensure the students proof of training is on file prior to their exam date. She indicated that processing the proof of training documents along with renewals and scheduling exams 30 days in advance is the Board's focus at this time. All Board staff has been redirected to assist with these areas.

Mr. Gonzalez thanked Board staff for preparing the reports for the Board meeting.

- **Agenda Item #12, Discussion of Litigation Case [Closed pursuant to Government Code Section 11126(e)(1)]**

- **Agenda Item #13, Decisions on Disciplinary Cases [Closed pursuant to Government Code Section 11126(c)(3)]**

- **Agenda Item #16, AGENDA ITEMS FOR NEXT MEETING**

No items were identified for the next Board meeting.

- **Agenda Item #17, ADJOURNMENT**

The meeting was adjourned at approximately 3:15 p.m.